



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22969 of 2022

WEB COPY

Shen Bhuvan

... Petitioner/1st Accused

Vs

The state rep.by
The Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai City.
(Cr.No.52 of 2022).

... Respondent/Complainant

For Petitioner : M/s Poornachandran.S,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For bail in Crime No.52 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 02.12.2022 for the offence punishable under Sections 294 (b),506(i) of IPC and Sections 7,8,17 of the Protection of Child from Sexual Offences Act, 2012 in Crime No.52 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution, as per the de-facto complainant, Maheshwari, is that her minor daughter used to go to her neighbours Mala and Abi's house often. The said Abi and Mala compelled her daughter to speak with other persons and also asked her whether she is ready to marry Mala's son. While so, three months ago, the said Mala's son had pulled her daughter's hand in respect of which, a call was made to 1098 and a case was registered. Subsequently, taking into consideration the future of her daughter, the de-facto complainant had not pressed the complaint. While so, the son of said Mala, John Bhuvan had compelled her daughter to come to movie. While so, on 21.10.2022, while the de-facto complainant's daughter was standing near her house, the said Mala's son, John Bhuvan had thrown a cracker on her daughter. Hence, the complainant



3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against petitioner and his family members. He would further submit that the victim's mother/defacto complainant is woman of bad character and she was in the habit of instigating her daughter to give false complaint against several persons and extracting money from them. He would further submit that petitioner understands that several complaints have been given through the victim and later they all have been compromised after extracting money from the so called accused. He would further submit that the petitioner is aged about 19 years and he is in custody from 02.12.2022. He would further submit that the statement has been recorded from the victim under Section 164 of Cr.P.C. and the allegations against the petitioner in the statement is that he has hugged her and touched her inappropriately and also misbehaved with her, other than that there is no allegations against the petitioner. He would also reiterate that the defacto complainant has already given a complaint through the victim against her second husband that was also compromised and the petitioner has also applied for copies of the same, through RTI. He would again insist that the petitioner is aged about 19 years and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner herein is the neighbour of the victim and the petitioner's mother and aunt had compelled the victim to speak with other persons and also asked her whether he is ready to marry the petitioner. While so, three months ago, the petitioner had pulled the hand of the victim in respect of which a call was made to child help line and a case has been registered. Subsequently there was a compromise and even thereafter the petitioner had misbehaved with the victim girl and sexually abused her and he would submit that some of the co-accused have been granted anticipatory bail by this Court in Crl.O.P(MD) No.21549 of 2022 and the victim has also filed application for cancelling the bail.

5. Heard. Perused the materials available on record including the First Information Report and also the statement of the victim recorded under Section 164 of Cr.P.C.

6. Taking into consideration of the facts and submissions made by the learned counsel for the petitioner and also taking into consideration the period of incarceration this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for Exclusively trial of cases under POCSO Act, Madurai and on further conditions that:



[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall stay at Theni and report before the All Women Police Station, Theni, daily at 10.30 a.m., and 5.30 pm., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/01/2023

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11/01/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDGE,
SPECIAL COURT OF POCSO ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THILAGAR THIDAL, MADURAI CITY.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THENI

ORDER

IN

CRL OP(MD) No.22969 of 2022

Date :11/01/2023

AAV

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